

Stoddard, Jamey

From: Stoddard, Jamey
Sent: Tuesday, November 18, 2014 10:53 AM
To: Heather Kendall-Miller
Subject: RE: Chu'itna coal project (UNCLASSIFIED)

Thanks, Heather. It sounds like the Corps may pursue going out for public comment on the 404 application prior to the draft SEIS. This is news to us and inconsistent with our understanding of the process dating back to 2006 when we reinitiated the EIS. We have always been told that SMCRA, NPDES, 404, and draft SEIS would all go out for comment at the same time. We will likely be following up with the Corps on this to figure out what is going on. Thanks again for sending this along.

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-----Original Message-----

From: Heather Kendall-Miller [mailto:kendall@narf.org]
Sent: Tuesday, November 18, 2014 10:37 AM
To: Stoddard, Jamey; Phil_Brna@fws.gov
Subject: FW: Chu'itna coal project (UNCLASSIFIED)

FYI -- the explanation for the hiatus. Best, Heather

-----Original Message-----

From: Jensen, Stacey M HQ02 [mailto:Stacey.M.Jensen@usace.army.mil]
Sent: Tuesday, November 18, 2014 9:04 AM
To: Heather Kendall-Miller
Cc: Smith, Charles R "Chip"
Subject: RE: Chu'itna coal project (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Thank you for your e-mail, Heather. Please see below for responses to your questions. Thank you!

1) The rationale for the hiatus on the cooperating agency work.

The purpose of the hiatus is to allow the Corps, the applicant, and the State to align processes in accordance with the 2005 Memorandum of Understanding (MOU) regarding coordinated review of Surface Coal Mining applications under the Surface Mining Control and Reclamation Act (SMCRA). In addition, the cooperating agency work was not being conducted with any structure (such as an approved work plan) and the entirety of the project was not well understood. The Corps is working to correct those issues. PacRim has asked the Corps to extend the hiatus until 5 December 2014 as they have not been able to complete their SMCRA application to date.

2) Information on when a public notice would go out and the purpose of the PN.

The Corps reviewed the applicant's August 2014 application and sent an application incomplete letter to the applicant on October 31, 2014, allowing the applicant 90 days to submit materials for a federally complete application. Once the application is federally complete, the Corps may go out to public notice in accordance with 33 CFR 325. The public will be able to comment during the Draft Supplemental Environmental Impact Statement (DSEIS) process.

3) Will there be another public comment period describing the final project and accompany the SEIS?

Yes, there will be a notice of availability published in the federal register that informs everyone of the availability of the DSEIS for review and comment. The DSEIS comment period is generally 45 days, but may be extended. There will be a concurrent Corps public notice that notifies the public of the availability of the DSEIS and how/where a copy may be viewed or obtained and how to submit comments.

There will be another notice of availability posted in the federal register for the Final SEIS. The comment period is generally for a period of 30 days. Another Corps public notice will also go out at this time.

4) Guidance regarding the plan going forward in the process of the Corps review.

The Corps review is really in the beginning stages as there is not yet a federally complete application. As far as the cooperating agencies go, once the process is realigned, the Corps will convene a meeting with the cooperating agencies to ensure that there is a thorough understanding of the entire project and specifically the proposed impacts to jurisdictional waters of the U.S. At that time, the Corps will also be ready to identify key milestones in the SEIS process and give the cooperating agencies a draft schedule with a complete work plan and clear direction.

Thank you for the opportunity to meet with you last week. Please let me know if you need anything further or you may contact the district directly if you have additional questions.

Best wishes,
Stacey

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-----Original Message-----

From: Heather Kendall-Miller [mailto:kendall@narf.org]
Sent: Tuesday, November 11, 2014 5:02 PM
To: Jensen, Stacey M HQ02
Cc: Smith, Charles R "Chip"
Subject: [EXTERNAL] Chu'itna coal project

Hi Stacey and Chip,

Thanks for taking the time to meet with us again on the Ch'u'itna Coal project and for listening the Tribes' concerns.

A couple of questions have been rumbling around in my head since we met and I was hoping Stacey might clarify. At our prior Anchorage meeting with you and Sheila, she mentioned that in reviewing the work that had been done to date it was unusual to proceed with a NEPA process without dovetailing that with the SMACRA. Although the Corp. announced the hiatus on co-operating agency work until January, we have received no explanation for why. At yesterday's meeting you

mentioned that a public notice will go out in January and am wondering about the purpose of the Public Notice that the Corps will release in January. Is it to give the public a chance for early comment on a permit application? Then at some later time will there be a public notice that will describe the final project and accompany the SEIS for public comment?

Obviously the Tribe has an interest in following the process and wants to be ready to interact and engage as a cooperating agency. It would be most helpful to understand what the plan is going forward. Can you give us some guidance please?

Thanks much,

Heather Kendall Miller

Classification: UNCLASSIFIED
Caveats: NONE